

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ALLEN QUINTANILLA,

Plaintiff,

v.

OHIO DEPARTMENT OF REHABILITATION
AND CORRECTIONS, et al.,

Defendants.

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CASE NO. 1:13 CV 334

JUDGE DAN AARON POLSTER

MEMORANDUM OF OPINION
AND ORDER

On February 14, 2013, plaintiff *pro se* Allen Quintanilla, an inmate at the Mansfield Correctional Institution (“ManCi”), filed this 42 U.S.C. § 1983 action against the Ohio Department of Rehabilitation and Correction and ManCi Lt. Christopher Lynch. The second amended complaint, filed July 1, 2013 (the “complaint”), alleges plaintiff was harassed and threatened by other inmates while he was in protective custody in ManCi’s Special Management Unit. Plaintiff reported this to Lt. Lynch, but was later forced by other inmates to stage a pretend assault on his cellmate. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915A.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A;

Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000)

A cause of action fails to state a claim upon which relief may be granted when it lacks “plausibility in the complaint.” *Bell At. Corp. V. Twombly*, 550 U.S. 544, 564 (2007). A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). The factual allegations in the pleading must be sufficient to raise the right to relief above the speculative level on the assumption that all the allegations in the complaint are true. *Twombly*, 550 U.S. at 555. The plaintiff is not required to include detailed factual allegations, but must provide more than “an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678 (2009). A pleading that offers legal conclusions or a simple recitation of the elements of a cause of action will not meet this pleading standard. *Id.*

Even construing the complaint liberally in a light most favorable to the plaintiff, *Brand v. Motley*, 526 F.3d 921, 924 (6th Cir. 2008), it does not contain allegations reasonably suggesting he might have a valid federal claim against these defendants. *See, Lillard v. Shelby County Bd. of Educ.*, 76 F.3d 716 (6th Cir. 1996)(court not required to accept summary allegations or unwarranted legal conclusions in determining whether complaint states a claim for relief).

Accordingly, this action is dismissed under section 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

/s/Dan Aaron Polster 7/10/13
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE